

## **SELF-CALENDARING PROCEDURE FOR THE HONORABLE RICHARD M. NEITER**

The self- calendaring system is designed to allow counsel and parties to obtain and schedule dates for hearing matters on regular notice without having to contact a calendar clerk. Matters that do not require hearings may be filed in accordance with Local Bankruptcy Rule 9013-1(g). Please refer to the appropriate Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules regarding the filing and service of motions.

### **I. Matters that may be self-calendared.**

Parties may select their own hearing dates if the matter to be heard will not take more than 15 minutes and falls within one of the following categories; however, no matter shall be self-calendared during the fourth week of each month:

- A. Motions for Relief from Stay;**
- B. Motions to Extend the Automatic Stay under 11 U.S.C. § 362(c)(3)(B)<sup>1</sup>;**
- C. Motions to Impose the Automatic Stay under 11 U.S.C. § 362(c)(4)(B);**
- D. Motions to Confirm that No Automatic Stay is in Effect under 11 U.S.C. § 362(c)(4)(A)(ii);**
- E. Motions to Confirm that the Automatic Stay has been Terminated under 11 U.S.C. § 362 (j);**
- F. Trustee's Motions under 11 U.S.C. § 362(h)(2);**
- G. Motions to Convert or Dismiss under 11 U.S.C. § 1112;**
- H. Objections to Claims (20 or less);**
- I. Interim Fee Applications in chapter 7 and chapter 11 cases;**
- J. Any motion in a chapter 7 or 11 case or an adversary proceeding not identified in section II below as being ineligible for self-calendaring; or**
- K. Matters relating to motions for relief from automatic stay involving:**

- 1. Residential unlawful detainer actions;
- 2. *Post*-petition transfers of real property to the debtor; or
- 3. *Pre*-petition transfers to the debtor--
  - a. Either within 90 days of the debtor's petition date, or
  - b. a fractionalized interest in real property

**may be calendared on shortened time without prior Court approval in accordance with this procedure, provided, however, that the motion is filed with the Court and served on all parties entitled to receive notice**

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<sup>1</sup> All statutory references to Title 11 pertain to the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 which took effect on October 17, 2005 and applies to all cases filed beginning October 17, 2005. For cases filed prior to October 17, 2005, please refer to the old Bankruptcy Code.

of the motion by such means so as to ensure that the moving papers and notice of hearing are actually received not later than 10 court days prior to the date of the hearing. In addition, telephonic notice of the date, time and place of the hearing on the motion must be given to all parties entitled to receive notice of the motion not later than 10 court days prior to the hearing on the motion. Any motion filed pursuant to this rule shall indicate that a response is due two court days before the hearing with a courtesy copy delivered to the Court's chambers.

**II. Matters that may NOT be self calendared:<sup>2</sup>**

- A. Applications for Orders Shortening Time\*;
- B. Matters to be heard on shortened notice or on an ex parte basis\*;
- C. Emergency motions (including motions arising under any general order that may be approved for application in chapter 11 cases)\*;
- D. Initial status conferences in adversary proceedings;
- E. Clusters of related matters that would ordinarily be set for different hearing times;
- F. Omnibus Objections to Claims (more than 20 objections set for a single hearing);
- G. Motions for Authority to Use/Restrict Use of Cash Collateral;
- H. Motions for Reconsideration;
- I. Motions for Summary Judgment;
- J. Pre-trial conferences;
- K. Reaffirmation Agreements;
- L. Lessor's objection(s) under 11 U.S.C. § 362(l)(3) to any Certification Filed by the Debtor under 11 U.S.C. §§ 362(l)(1) and/or 362(l)(2);
- M. Debtor's objection to Lessor's Certification under 11 U.S.C. § 362(m)(2)(B);
- N. Disclosure Statements and Plan Confirmation hearings; or
- O. Any motion that will take **more than 15 minutes**.

**III. Procedures for Self Calendaring.**

For matters that may be self-calendared, please follow the steps outlined below:

**STEP 1:** Identify available dates and times for the type of matter that you want to calendar by referring to the calendar posted in the hallway adjacent to the courtroom or on the Court's website ([www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) or by calling the Bankruptcy Court's general information number at (213) 894-3118 and selecting the menu options necessary to direct you to the calendaring information for Judge Neiter.

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<sup>2</sup> For more information concerning procedures for obtaining hearings on matters on this list marked with an asterisk (\*), please contact Judge Neiter's law clerk at (213) 894-4080. For more information concerning procedures for obtaining hearings on any matter on this list not marked with an asterisk, please contact Judge Neiter's courtroom deputy at (213) 894-5860.

**PLEASE NOTE that calendar dates are subject to periodic revisions.** Accordingly, verify that you are referring to a *current version* of the Judge's monthly calendar.

**STEP 2:** You are required to prepare a notice of hearing for the date and time that you have selected. To ensure that the Court set the motion you have filed for hearing on the date and time that you have selected, please review the Court's requirement regarding chamber copies in **Sec. IV** below.

**PLEASE NOTE the following:**

If your motion is for relief from stay, you must provide notice in accordance with the Official Form (series 4001) set forth under Local Bankruptcy Rule 1002-1(d)(9).

By choosing a date for a relief from stay hearing that is more than 30 days from the date you file your motion, you are deemed to have waived the time limits of 11 U.S.C. § 362(e).

By choosing a date for a hearing on a motion to dismiss or convert under 11 U.S.C. § 1112 that is more than 30 days from the date you file your motion, you are deemed to have waived the time limits of 11 U.S.C. § 1112(b)(3).

**STEP 3:** Provide sufficient notice to all parties entitled to receive such notice pursuant to applicable provisions of the Local Bankruptcy Rules and Federal Rules of Bankruptcy Procedure. Schedule hearing dates accordingly. Moving parties may refer to Local Bankruptcy Rule 9013-1(a)(6) regarding service of the notice of the hearing and Local Bankruptcy Rule 9013-1(a)(13) regarding evidence supporting the motion.

**STEP 4:** File and serve your moving papers timely. Refer to the Local Bankruptcy Rules and Federal Rules of Bankruptcy Procedure for applicable filing and service deadlines. Refer to the Court's website regarding procedure for electronically filing a pleading. If proof of service is insufficient, the moving party's motion may be continued or denied. Be sure to deliver a copy of all papers to the Court's chambers with the time and date of the scheduled hearing placed underneath the title of the pleading. *See Sec. IV* below.

**STEP 5:** If the date you have selected is unavailable because you have given insufficient notice, the date and time are already fully booked or for any other reason, the Court's Courtroom Deputy will contact you to arrange an alternate date. **The Court reserves the right to reschedule any hearing.** Prior to the date of any scheduled hearing, you will be notified if your hearing has been re-set. Please serve the appropriate notice reflecting the correct hearing date.

**STEP 6:** Within three (3) court days of the hearing, please lodge with the Court and serve the relevant parties with a proposed form of order together with the required notices of entry, copies and envelopes, so that the Court can sign the order at the hearing if your motion is granted.

**IV. Chambers copy of all pleadings filed—a prerequisite to all hearings.**

As a general rule, regardless of whether your motion is filed electronically or by paper, no motion will be scheduled for a hearing unless a copy of all pleadings filed pertaining to the motion are submitted to the Court's chambers within 72 hours of the filing of the pleading and the motion is filed in accordance with the applicable Local Bankruptcy Rules.

With respect to pleadings on matters that are eligible for self-calendaring, the filing party **must** deliver to the Intake Office of the Los Angeles division a hard copy of the pleading filed for the Court's Courtroom Deputy. A second copy **must** be delivered to the Court's chambers located at the 16<sup>th</sup> Floor of the Roybal Federal Building, 255 East Temple Street, Suite 1652, Los Angeles, CA 90012.

Any chambers copy of a pleading filed electronically must be accompanied by a copy of the ECF receipt or Notice of Electronic Filing confirming the filing of the original document and stamped "**Judge's Copy**" or "**Chambers Copy**". The chambers copy must also conform to the requirements of Local Bankruptcy Rule 1002-1, including the format and tabbing of exhibits.

**Deviating from the foregoing procedure may cause your motion not to be heard on the date and time selected and may cause the party filing the pleading to be sanctioned by the Court.**